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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 10/643,893

Art Unit: 3723

Applicants: John Robert KRIASKI,
Daniel Paxton WALL

Examiner: James G. SMITH

Filed: Aug. 20, 2003

Confirmation No. 4649

Title: DEPTH ADJUSTING
SYSTEM FOR A SCREW
GUN

Attorney Docket No.: 54525.000094

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Sir:

The owner, Porter-Cable/Delta, of the entire interest in the instant application, as a Continuation of U.S. Application No. 09/892,548, now U.S. Patent No. 6,758,116 (evidenced by the assignment recorded on June 29, 2001, at Reel 011946, Frame 0552) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,758,116, the entire interest in said prior patent being owned by Porter-Cable/Delta (evidenced by the assignment recorded on June 29, 2001, at Reel 011946, Frame 0552). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and §173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized to deduct the terminal disclaimer fee of \$130.00 under 37 C.F.R. § 1.20(d) from the undersigned's Deposit Account No. 50-0206. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

Dated: 2/10/2005

By: Christopher C. Campbell
Christopher C. Campbell
Registration No. 37,291

Hunton & Williams
Intellectual Property Department
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (Telephone)
(202) 778-2201 (Facsimile)